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08/913,803 09/22/97 BOCCON-GIBOD

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EXAMINER

WM02/0924

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ART UNIT

PAPER NUMBER

2615
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09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/913,803

Applicant(s)

Boccon-Gibod et al

Examiner
Christopher Onuaku

Art Unit
2615



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 28, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 12-14, 16, and 17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 8-10, 16, and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 2615

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-10 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments with reference to claims 16-17 filed 6/28/01 have been fully considered but they are not persuasive.

Applicant argues that Abecassis fails to mention or suggest multiple program versions for reproduction at different play speeds, and makes no mention of tables of addresses for selection between the different play speed records. Examiner disagrees.

In VCR or VTR program processing, programs are played back, for example, at two times or three times or four times the speed of playing the normal program by skipping some predetermined segments of the normal program.

In Abecassis, when a program is stored in a storage medium, the segments of the program are assigned segment identifiers and the frames of each segment are assigned frame numbers (frame addresses) in their locations in the recording medium. These addresses facilitate the reproduction process. During reproduction, the segment(s) with unwanted rating codes are skipped, thereby creating different versions of the same program. It, therefore, follows that the

Art Unit: 2615

addresses for similar segments in the different versions of the program remain unchanged, even though these segments were skipped during reproduction.

Each version of the program segment is reproduced at different speed since, for example, each time a segment of a program is skipped, the remaining segments of the program are reproduced faster than the previous program before the single segment was skipped. If, on the other hand, two segments are skipped, the remaining program segments, less the two skipped segments, are reproduced even faster than when one segment was skipped or when no version was skipped, and so on. It is pertinent to point out that the reproduction rate, 30 frames per second, for example, for any version remains the same, even if the reproduction speed may change. Consequently, during playback, different versions of the same program are played at different speeds based on the content requirements of each version.

Furthermore, Abecassis shows different tables in Fig.2A-2D & Fig.3A-3E to explain the principle and structure of a variable content program, including, as shown in Fig.2B&2C, wherein, Abecassis discloses in Fig.2B an example of an element descriptive structure utilized to analyze the development of a number of elements such as character, location (address), time, degree of detail, and the level of expertise appropriate for the segment. In a similar manner, an individualized, tailored, and descriptive structure may be provided for any one category or group of categories. For example, Fig. 2C illustrates a descriptive structure utilized to classify segments according to a level of inclusion.

Art Unit: 2615

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 8-10&16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 6,091,886).

Regarding claim 8, Abecassis teaches a video device for the automated selective retrieval of non-sequentially-stored video segments of a video program, from a single video program source, responsive to a viewer's preestablished video content preferences, and the transmission of the selected segments as a seamless video program comprising:

a) means for storing a plurality of program records wherein each program record having a set of digitally encoded signal records representative of each program (see non-volatile resident memory 515, fixed or removable memory subsystem 503/504, a user's optical read/write access card or electronic memory card 505, or read/write video/data laser disc 501; col.14, lines 3-12) wherein viewer preferences are stored;

b) means for linking the encoded signal records of each said set to one another at predetermined jump points for selecting reproduction from different ones of said set (see program source 501; col.13, lines 60-62); from which program identifiers are read

Art Unit: 2615

c) wherein each said set of digitally encoded signal records has records of differing sizes for reproducing at a plurality of speeds (see Fig.3A,3B,3C&3D; col.9, line 19 to col.10, line 46), here Abecassis shows how a conventional program with differently rated segments, and how the conventional program is edited (modified or changed) by editing out unwanted segments, in order to produce a variable content program that forms a version of the program that suits a particular set of user preference program.

When a program is stored in a storage medium, the segments of the program are assigned segment identifiers and the frames of the are assigned frame numbers in their locations (addresses) in the recording medium. These addresses facilitate the reproduction process. During reproduction, the segment(s) with unwanted content(s) are skipped, thereby creating different versions of the same program. It, therefore, follows that the addresses for similar segments in the different versions of the program remain unchanged, even though they were skipped during reproduction.

Each version of the program segment is reproduced at different speed since, for example, each time a segment of a program is skipped, the remaining segments of the program are reproduced faster than the previous program before the single segment was skipped. If, on the other hand, two segments are skipped, the remaining program segments, less the two skipped segments, are reproduced even faster than when one segment was skipped or when no version was skipped, and so on. It is pertinent to point out that the reproduction rate, 30 frames per second, for example, for any version remains the same, even if the reproduction speed may change

Art Unit: 2615

Regarding claim 9, Abecassis discloses wherein the predetermined jump points are grouped specific to transitions between similar temporal program events for reproduction at differing speeds (see see Fig.3A,3B,3C&3D; col.9, line 19 to col.10, line 46), here Abecassis shows how a conventional program with differently rated segments, and how the conventional program is edited (modified or changed) by editing out unwanted segments, in order to produce a variable content program that forms a version of the program that suits a particular set of user preference program.

When a variable content program is produced, the addresses of the unwanted segments, which are to be skipped during playback, are identified so that these segments are not played during playback. Therefore, the jump points are the addresses to be skipped during playback. Also see Fig.8A,8B,8C&9.

Regarding claim 10, Abecassis discloses wherein the predetermined jump points represent addresses of digital images within each said set which substantially correspond with one another (see claims 8&9 discussions).

Regarding claim 16, Abecassis teaches a video device for the automated selective retrieval of non-sequentially-stored video segments of a video program, from a single video program source, responsive to a viewer's preestablished video content preferences, and the transmission of the selected segments as a seamless video program comprising:

Art Unit: 2615

a) the claimed storage device (see Fig.5; program source 501 and mass memory fixed storage device 503; col.13, line 60 to col.14, line 12; col.14, lines 13-23 and col.23, line 54 to col.24, line 54; and col.9, lines 35-50 and col.24, line 55 to col.25, line 19 which disclose processing different versions of the same program); here the claimed addresses within each version of each program are included in the code description for assigning appropriate segment content descriptors in Abecassis so that during the editing of the programs, frames containing different content descriptors can be added or dropped, as the viewer chooses; wherein each version of the multiple versions allows reproduction at a different play speed (see col.9, lines 35-50 and col.24, line 55 to col.25, line 19), and (see Fig.2B&2C, which show different tables, col.8, lines 38-49).

Here, Abecassis discloses in Fig.2B an example of an element descriptive structure utilized to analyze the development of a number of elements such as character, location, time, degree of detail, and the level of expertise appropriate for the segment. In a similar manner, an individualized, tailored, and descriptive structure may be provided for any one category or group of categories. For example, Fig. 2C illustrates a descriptive structure utilized to classify segments according to a level of inclusion.

Each version of the program is reproduced at different speed since, for example, each time a segment of a program is skipped, the remaining segments of the program are reproduced faster than the previous program before the single segment was skipped. If, on the other hand, two segments are skipped, the remaining program segments, less the two skipped segments, are

Art Unit: 2615

reproduced even faster than when one segment was skipped or when no version was skipped, and so on. It is pertinent to point out that the reproduction rate, 30 frames per second, for example, for any version remains the same, even if the reproduction speed may change.

b) transducing means (see Fig.6; reading units 621-623; col.15, line 1 to col.16, line 10; also see col.20, lines 39-47);

c) the claimed control means (see col.13, line 14 to col.14, line 23; here Abecassis discloses the process of editing out unwanted portions of a variable content program as requested by a viewer wherein frames are omitted and added to provide a continuous transparent edited version of any segment, thereby varying the final reproduction speed which varies on the basis of the extent of the editing of the original program.

Regarding claim 17, the claimed limitation wherein images are reproduced from a time which precedes the preceding version is inherent in Abecassis since Abecassis has random access capability (see col.14, lines 24-44)..

Allowable Subject Matter

5. Claim 12-14 are allowable over the prior art of record.
6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the prior art of record fails to show or fairly suggest an apparatus for reproducing video programs where the apparatus comprises wherein the linking means comprises

Art Unit: 2615

N sets of tables, each set comprises (N- 1) tables of the predetermined jump points for each of N reproduction speeds.

Conclusion

7. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Application/Control Number: 08/913,803

Page 10

Art Unit: 2615

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

COO

9/18/01

Christopher O. Onuaku
CHRISTOPHER O. ONUAKU
PATENT EXAMINER